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OFFICE OF PETITIONS

In re Application of :
Michael A, Faulkner, et al. :
Application No. 10/812,429 : **DECISION GRANTING PETITION**
Filed: March 30, 2004 :
Attorney Docket No. EMC-04-008 :

This is a decision on the petition styled "Petition to Correct Official Filing Receipt" filed November 1, 2004, requesting that the above-identified application be accorded a filing date of March 30, 2004, instead of the presently accorded date of March 31, 2004.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on March 30, 2004. In support, applicants provide, inter alia, a copy of the Express Mail label, No. EK900599147US and a copy of the USPS Track/Confirm record. The same Express Mail receipt number appears on the application papers found in the file. It is noted that while the "date-in" entered on the present copy of the Express Mail mailing label is not clear, the copy of the USPS Track/Confirm record clearly shows that the package bearing Express Mail label No. EK900599147US was accepted on March 30, 2004 at the USPS in HOPKINTON, MA 01748 at 4:46pm.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on March 30, 2004.

The petition is GRANTED.

The application is being referred to Initial Patent Examination Division for correction of the filing date to **March 30, 2004**, and issuance of a Corrected Official Filing Receipt.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy